

**REMARKS**

With this response, Applicant respectfully requests reconsideration of the above-referenced U.S. patent application. Claims 1-2, 10-11, and 16-17 are amended herein. No claims are currently added or cancelled. Therefore, claims 1-20 are pending.

**Claim Rejections - 35 U.S.C. § 102**

Claims 1-4, 7-8, 10-13, 16-17, and 19 were rejected under 35 U.S.C. § 102(e) as being anticipated by US 2001/0033650 issued to Wilson et al. (*Wilson*). Applicant respectfully submits that these claims are not anticipated by *Wilson* for at least the following reasons.

Claim 1 as amended recites the following:

receiving a data signal formatted according to a data communication protocol at a first data communication platform;  
determining if the data communication protocol is supported by the first data communication platform; and  
indicating to a second data communication platform to bypass the data signal if it is determined that the data communication protocol is supported by the first data communication platform.

Thus, Applicant claims indicating to a data communication platform to bypass a data signal if it is determined that a protocol is supported by a different data communication platform. Claims 7, 10, and 16 similarly recite a data communication platform to bypass a data signal if it is determined that a protocol is supported by a different data communication platform.

*Wilson* fails to disclose or suggest a data communication platform to bypass a data signal.

The only actions *Wilson* discusses performing on a data signal are filtering ("changing one or more characteristics") and separating (partitioning, dissociating, etc.). See para. [0092]-[0093].

Thus, *Wilson* fails to disclose or suggest every element of the claims. Because *Wilson* fails to disclose every element of the claims, Applicant respectfully submits that *Wilson* fails to anticipate the invention as recited in claims 1, 7, 10, and 16.

Application No.: 09/608,988  
Attorney Docket No.: 42390P8721

-7-

Examiner: B. Burgess  
Art Unit: 2157

Furthermore, because dependent claims necessarily include the limitations of the base claims from which they depend, Applicant respectfully submits that claims depending from claims 1, 7, 10, and 16 must necessarily be patentable over the cited reference for at least the reasons discussed with respect to these claims. Claims 2-4, 8, 11-13, and 17 and 19 depend, respectively, from claims 1, 7, 10, and 16, and therefore are not anticipated by the cited reference.

Claim Rejections - 35 U.S.C. § 103

Claims 5, 14, and 20

Claims 5, 14, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wilson* in view of U.S. Patent No. 5,550,803 issued to Crayford et al. (*Crayford*). Applicant respectfully submits that these claims are not anticipated by the cited references for at least the following reasons.

The Office Action at page 4 cites *Crayford* as disclosing incorporating tagging header information. Whether or not *Crayford* discloses appending information to a data signal, *Crayford* fails to cure the deficiencies of *Wilson*, as set forth above. Whether alone or in combination, *Wilson* and *Crayford* fail to disclose or suggest every element of the invention as recited in independent claims 1, 10, and 16. Therefore, *Wilson* and *Crayford* fail to render obvious the invention recited in claims 5, 14, and 20, which depend from claims 1, 10, and 16, respectively.

Claims 6, 9, 15, and 18

Claims 6, 9, 15, and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wilson* in view of U.S. Patent No. 5,953,340 issued to Scott et al. (*Scott*). Applicant

respectfully submits that these claims are not anticipated by the cited references for at least the following reasons.

The Office Action at page 5 cites *Scott* as disclosing a network switch engine. Whether or not *Scott* discloses what is asserted in the Office Action, *Scott* fails to cure the deficiencies of *Wilson*, as set forth above. Rather than disclosing bypassing a data signal, *Scott* teaches away from the invention, discussing converting a data signal from one protocol to another. Col. 10, lines 36 to 41. Thus, whether alone or in combination, *Wilson* and *Scott* fail to disclose or suggest every element of the invention as recited in independent claims 1, 7, 10, and 16. Therefore, the cited references fail to render obvious the invention recited in claims 6, 9, 15, and 18, which depend from claims 1, 7, 10, and 16, respectively.

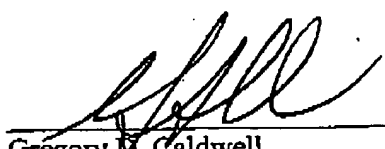
#### Conclusion

For at least the foregoing reasons, Applicant submits that all rejections have been overcome. Therefore, Applicant submits that all pending claims are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: 11/6/03

  
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Application No.: 09/608,988  
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-9-

Examiner: B. Burgess  
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Application No.: 09/608,988  
Attorney Docket No.: 42390P8721

-10-

Examiner: B. Burgess  
Art Unit 2157